

**Office of the
Vice President and
General Counsel**

656 W. Kirby, 4249 F A B.
Detroit, Michigan 48202
(313) 577-2268
(313) 577-8877 FAX

**WAYNE STATE
UNIVERSITY**

Louis Lessem
Vice President and
General Counsel

Sean P. FitzGerald
Associate Vice President and
Associate General Counsel

Pamela R. Galloway
Assistant General Counsel

Laura W. Johnston
Assistant General Counsel

Alexandra Matish
Assistant General Counsel

December 8, 2004

Jeff S. Jordan
Supervisory Attorney
Complaints Examination and Legal Administration
Federal Election Commission
999 E Street N.W.
Washington, DC 20463

Re: MUR 5550

Dear Mr. Jordan:

I have your letter of November 23, 2004, in which you advised President Irvin D. Reid that the Federal Election Commission has received an amendment to a complaint against Michael Moore, in which the complainant has suggested Wayne State University might have violated the Federal Election Campaign Act of 1971, as amended. We respectfully submit that Wayne State University has not committed any such violation.

Enclosed with your letter was a copy of a letter dated November 18, 2004, from an attorney by the name of David Hardy, in which Mr. Hardy expands upon an earlier letter in which he complained about the activities of Michael Moore during the recent presidential election campaign. As I understand it, the November 18 letter is the amendment to the complaint.

In Mr. Hardy's letter, there is only one reference to Wayne State University. The reference reads in its entirety as follows:

Second, the campaign-related nature of the speeches, with express advocacy of specific candidates, has continued.

Moore told a Wayne State University audience: "We're visiting all 20 battleground states and our goal is to remove George W. Bush from the White House." Source:
<http://www.pridesource.com/article.shtml?article=9722§ion=news>.

Wayne State University is not mentioned elsewhere in the letter

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 DEC 15 11:41

26044143024

On its face, there is very little in this allegation in which to respond. Mr. Hardy seems to be alleging nothing more against Wayne than that Mr. Moore was on Wayne's campus when he made that statement.

Mr. Moore spoke while he was on campus; Mr. Hardy has accurately quoted the web site. I do not know whether or not the web site accurately quoted Mr. Moore.

I am informed that Mr. Moore was invited to Wayne's campus by the "WSU College Democrats", a student group. His visit was sponsored by the student group, together with a local labor organization. I am advised that he was not paid a fee for his appearance; certainly neither Wayne State University nor the "WSU College Democrats" paid any such fee. Mr. Moore spoke in an open mall, there were no costs for hall rental.

Obviously, the making of a politically partisan statement in itself would not concern the Federal Election Commission. All of the 2004 presidential and vice-presidential debates were held on university campuses. All manner of political statements are routinely made by individuals while they are on university campuses.

Although he does not make any specific allegation against Wayne, in his initial complaint Mr. Hardy asserts that Mr. Moore's speaking tour was "largely financed by universities and incorporated student groups financed by mandatory fees." He asserts that the payment of Mr. Moore's speaker fees amounts to unlawful or unreported campaign expenditures.

This is an interesting and controversial contention, and if it had bearing on Wayne State University, we would certainly take issue with his assertion. It is not necessary for us to do so. Because Wayne State University did not "finance" Mr. Moore's appearance, the assertion, whatever its merits, has no bearing on Wayne State University.

Please feel free to contact me at your convenience if you have any further questions or concerns.

Sincerely



Louis Lessem
Vice President and General Counsel

c: Irvin D. Reid
Harvey Hollis

26044143025